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OFFICE OF THE
COUNTY CLERK

COUNCIL OF THE COUNTY OF MAUI

A G E N D A

Regular Meeting of June 23, 2023
9:00 a.m.

Meeting Site:

Online via BlueJeans link <https://maui.bluejeans.com/295235670>

In-Person Testimony and Viewing:
Council Chamber, Kalana O Maui Building, 8th Floor,
200 South High Street, Wailuku, Hawai'i

Courtesy Live Broadcast:
Akakū – Maui Community Media, Channel 53

website: <http://co.maui.hi.us/Archive.aspx?AMID=226>
e-mail: county.clerk@mauicounty.us

PURSUANT TO SECTION 92-3.7, HAWAII REVISED STATUTES, THE MEETING WILL BE CONDUCTED AS A REMOTE MEETING BY INTERACTIVE CONFERENCE TECHNOLOGY.

OFFICIAL TESTIMONY LOCATION

Members of the public may view the meeting and provide testimony in person at the Council Chamber, Kalana O Maui Building, 8th Floor, 200 South High Street, Wailuku, Hawai'i.

If audiovisual connection with the Council Chamber is lost, the Council will be in recess for up to 30 minutes to restore connectivity. If connectivity cannot be restored within 30 minutes, the meeting will automatically reconvene the following Tuesday at 9:00 a.m., using the same official location for in-person testimony and viewing, unless the Council announces a different date, time, and location.

TESTIMONY PROCEDURES

Individuals may provide oral testimony by phone or video conference. To join the meeting by phone, call 1-408-317-9253 and input meeting code 295235670. To join by video conference, use the following link: <https://maui.bluejeans.com/295235670>.

Oral testimony on any agenda item will be accepted at the beginning of the meeting and prior to Council's deliberation on each section of the agenda. Each testifier shall be allowed to speak for up to three minutes on each item. The time limits for testimony may be modified, if the modification is initiated by the presiding officer and approved by a majority of the Council; provided that a modification would apply equally to all testifiers and all items. No further oral testimony by the testifier on the item shall be permitted. An individual's request to testify may be deemed withdrawn if the individual does not answer when called to testify. If the connection between any testifier and the video conference is lost, the meeting will still continue.

If a testifier wishes to testify anonymously, please indicate that request in the Bluejeans chat or with staff at the sign-up desk outside the Council Chamber. Anonymous testifiers will be assigned a number.

DECORUM

Any person who behaves in a manner that disrupts, disturbs, or impedes the orderly conduct of the Council meeting may, at the discretion of the presiding officer or a majority of present Councilmembers, be removed from the Council Chamber or, if participating remotely, muted or dropped from the meeting. Disruptive behavior includes, but is not limited to: heckling, shouting, use of profanity, and threatening remarks made to any member of the Council, staff, or general public.

WRITTEN TESTIMONY

Written testimony may be submitted by e-mail to county.clerk@mauicounty.us, by fax to (808) 270-7171, or to the Office of the County Clerk, 200 South High Street, Ste. 708, Wailuku, Hawai'i, 96793. Written testimony should be received at least 24 hours prior to the meeting; except if a meeting will be held on a Monday, written testimony should be received by noon on the business day preceding the meeting. While the Council requests that written testimony be submitted as noted, testimony submitted after that date and time will still be accepted.

Members of the public interested in information about offering testimony on an agenda item may contact the Office of the County Clerk ((808) 270-7748) prior to the meeting.

COURTESY TESTIMONY SITES – COUNCIL RESIDENCY AREA OFFICES

East Maui: Hāna Cultural Center & Museum, 4974 Uakea Road, Hāna, (808) 248-7513

South Maui: MEDB Building, 1305 North Holopono St., Ste. 9, Kihei, (808) 793-0012

Moloka'i: Moloka'i District Complex, 100 Ainoa Street, Kaunakakai, (808) 553-3888

Lāna'i: 814 Fraser Avenue, Lāna'i City, (808) 565-7094

Makawao-Ha'ikū-Pā'ia: Heritage Hall, 401 Baldwin Ave., Ste. 102, Pā'ia, (808) 793-0099

West Maui: Old Lahaina Center, 845 Wainee Street, Ste. 205, Lahaina, (808) 856-0123

Subject to change and staffing availability without notice. Visit mauicounty.us for more information.

Councilmembers may or may not participate from Courtesy Testimony Sites. If any Courtesy Testimony Site loses its audio connection to the meeting, the meeting will continue without that location.

A. ROLL CALL

B. OPENING REMARKS:

COUNCILMEMBER TASHA KAMA

C. PLEDGE OF ALLEGIANCE

D. TESTIMONY ON CEREMONIAL RESOLUTIONS

E. CEREMONIAL RESOLUTIONS:

NONE.

F. SET THE CONSENT CALENDAR**G. PRESENTATION OF WRITTEN OR ORAL TESTIMONY****H. MINUTES:**

NONE.

I. ACTION ON THE CONSENT CALENDAR**J. COMMUNICATIONS:****1. COUNTY COMMUNICATIONS:****CC 23-27**

CHAIR, WATER AUTHORITY, SOCIAL SERVICES, AND PARKS COMMITTEE, transmitting a proposed amendment to Resolution 22-260, entitled "APPOINTMENTS TO THE EAST MAUI REGIONAL COMMUNITY BOARD".

2. GENERAL COMMUNICATIONS:

NONE.

K. COMMITTEE REPORTS:**Agriculture, Diversification, Environment, and Public Transportation Committee****CR 23-46**

Recommending **FIRST READING** of Bill 79 (2022) to increase the amount of time, from 90 days to 180 days, agricultural water consumers are exempt from water shortage restrictions or mandates imposed by Section 14.06A.060, Maui County Code.

CR 23-47

Recommending **FIRST READING** of Bill 83 (2022) to establish a category of water rates for nondwelling agricultural consumers so they may be charged agricultural water rates from the first gallon of use.

CR 23-48

Recommending **FIRST READING** of Bill 104, CD1 (2022) to require the Department of Water Supply to provide written notification to the property owner and any lessees at least 60 days prior to the removal of a water meter.

Government Relations, Ethics, and Transparency Committee

[CR 23-49](#) Recommending **ADOPTION** of Resolution 22-211, CD1, authorizing settlement of Department of Health, State of Hawai'i v. Department of Water Supply, County of Maui, Docket 2022-CW-EO-11, in the amount of \$45,000.

[CR 23-50](#) Recommending **ADOPTION** of Resolution 22-212, authorizing settlement of Claim 4067712 of Pauline Tiu, in the amount of \$34,837.53, relating to property damage in Kahului.

[CR 23-51](#) Recommending **ADOPTION** of Resolution 22-249, authorizing settlement of Claim 4072108 of Jamshed Haq, in the amount of \$67,759.68, relating to property damage in Kīhei.

[CR 23-52](#) Recommending **ADOPTION** of Resolution 22-250, authorizing settlement of Claim 4072812 of Hale Mahaolu, in the amount of \$208,185.57, relating to property damage in Kahului.

[CR 23-53](#) Recommending **ADOPTION** of Resolution 23-145, authorizing settlement of a charge of discrimination filed with the Hawai'i Civil Rights Commission and Federal Equal Employment Opportunity Commission under Hawai'i Civil Rights Commission No. M-22238 and Equal Employment Opportunity Commission No. 37B-2022-00168.

With reference to this agenda item, one or more executive meetings are anticipated in accordance with Section 92-5(a)(4), Hawaii Revised Statutes, to consult with legal counsel on questions and issues pertaining to the powers, duties, privileges, immunities, and liabilities of the County, the Council, and the Committee; and Section 92-5(a)(8), Hawaii Revised Statutes, to deliberate or make a decision upon a matter that requires the consideration of information that must be kept confidential pursuant to a State or Federal law, or a court order.

[CR 23-54](#) Recommending **ADOPTION** of Resolution 22-64, authorizing settlement of Geraldine Constantino v. County of Maui, Disability Compensation Division Case 7-17-00763.

With reference to this agenda item, one or more executive meetings are anticipated in accordance with Section 92-5(a)(4), Hawaii Revised Statutes, to consult with legal counsel on questions and issues pertaining to the powers, duties, privileges, immunities, and liabilities of the County, the Council, and the Committee; and Section 92-5(a)(8), Hawaii Revised Statutes, to deliberate or make a decision upon a matter that requires the consideration of information that must be kept confidential pursuant to a State or Federal law, or a court order.

[CR 23-55](#) Recommending **ADOPTION** of Resolution 22-160, authorizing settlement of Claim 4056092 of Craig Clove.

With reference to this agenda item, one or more executive meetings are anticipated in accordance with Section 92-5(a)(4), Hawaii Revised Statutes, to consult with legal counsel on questions and issues pertaining to the powers, duties, privileges, immunities, and liabilities of the County, the Council, and the Committee; and Section 92-5(a)(8), Hawaii Revised Statutes, to deliberate or make a decision upon a matter that requires the consideration of information that must be kept confidential pursuant to a State or Federal law, or a court order.

Water and Infrastructure Committee

[CR 23-56](#) Recommending **FIRST READING** of Bill 35 (2023) to require the Director of Finance to submit quarterly reports to the Council instead of within five days of any acquisition or conveyance of real property.

L. RESOLUTIONS:

[Reso 22-260](#) "APPOINTMENTS TO THE EAST MAUI REGIONAL COMMUNITY BOARD"

[Reso 23-160](#) "AUTHORIZING THE USE OF OPEN SPACE, NATURAL RESOURCES, CULTURAL RESOURCES, AND SCENIC VIEWS PRESERVATION FUNDS BY GRANT TO KE AO HALI'I TO BE USED TO PURCHASE PROPERTY IN HANA, MAUI, HAWAII, AND AUTHORIZING THE COUNTY TO RECEIVE A PERPETUAL CONSERVATION EASEMENT"

[Reso 23-161](#) "AUTHORIZING THE USE OF OPEN SPACE, NATURAL RESOURCES, CULTURAL RESOURCES, AND SCENIC VIEWS PRESERVATION FUNDS BY GRANT TO NĀ MAMO ĀLOHA 'AINA O HONOKŌHAU TO BE USED TO PURCHASE PROPERTY IN HONOKŌHAU, MAUI, HAWAII, AND AUTHORIZING THE COUNTY TO RECEIVE A PERPETUAL CONSERVATION EASEMENT"

[Reso 23-162](#) "AUTHORIZING THE TRANSFER OF AN UNENCUMBERED APPROPRIATION BALANCE WITHIN THE DEPARTMENT OF POLICE, FISCAL YEAR 2023 BUDGET"

[Reso 23-163](#) "REFERRING TO THE PLANNING COMMISSIONS A PROPOSED BILL RELATING TO PARKING FOR ELECTRIC VEHICLES"

[Reso 23-164](#) "AUTHORIZING THE USE OF OPEN SPACE, NATURAL RESOURCES, CULTURAL RESOURCES, AND SCENIC VIEWS PRESERVATION FUNDS BY GRANT TO MOLOKA'I LAND TRUST TO BE USED TO PURCHASE PROPERTY AT KAHANUI WETLAND, SOUTH-WEST MOLOKA'I, HAWAII, AND AUTHORIZING THE COUNTY TO RECEIVE A PERPETUAL CONSERVATION EASEMENT"

M. ORDINANCES:

[Bill 63 \(2023\)](#) "A BILL FOR AN ORDINANCE REPEALING CHAPTER 3.55 AND AMENDING SECTION 3.54.020, MAUI COUNTY CODE, RELATING TO THE ENVIRONMENTAL PROTECTION AND SUSTAINABILITY FUND"

The purpose of this bill is to ensure the Environmental Protection Sustainability Division can continue expanding its operations efficiently.

ORDINANCES - SECOND AND FINAL READING:

[Bill 11, CD1 \(2023\)](#) "A BILL FOR AN ORDINANCE GRANTING A CONDITIONAL PERMIT TO WAILEA GOLF LLC TO DEVELOP AND OPERATE A PARKING LOT WITHIN THE A-2 APARTMENT DISTRICT FOR PROPERTY SITUATED AT WAILEA, KIHAI, MAUI, HAWAII"

The purpose of this bill is to amend Ordinance Nos. 2829 and 4781 to grant Wailea Golf LLC, a conditional permit to add thirteen parking stalls to an existing parking lot at the Wailea Tennis Club.

[Bill 39, CD1 \(2023\)](#) "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE DEPARTMENT OF HUMAN SERVICES, STATE OF HAWAII, FOR THE LOW-INCOME HOME WATER ASSISTANCE PROGRAM"

The purpose of this bill is to authorize the Mayor to enter into an intergovernmental agreement with the Department of Human Services, State of Hawaii for the Low-Income Home Water Assistance Program.

[Bill 54 \(2023\)](#) "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2023 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX A, PART I, GRANTS AND RESTRICTED USE REVENUES - SCHEDULE OF GRANTS AND RESTRICTED USE REVENUES BY DEPARTMENTS AND PROGRAMS, DEPARTMENT OF PUBLIC WORKS (FEDERAL HIGHWAY ADMINISTRATION, FEDERAL-AID AND OTHER TRANSPORTATION GRANTS)"

The purpose of this bill is to amend Appendix A, Part I, Grants and Restricted Use Revenues for the Department of Public Works by increasing the appropriation for the grant entitled "Federal Highway Administration, Federal-Aid and Other Transportation Grants" by \$2,073,400.

[Bill 55 \(2023\)](#) "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2023 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX C - CAPITAL IMPROVEMENT PROJECTS, DEPARTMENT OF PUBLIC WORKS, COUNTYWIDE, COUNTYWIDE FEDERAL AID PROGRAM"

The purpose of this bill is to amend Appendix C of the FY 2023 Budget by amending the project description for a South Kihei Road pavement project and increasing the appropriation by \$2,073,400 for the Countywide Federal Aid Program.

[Bill 56 \(2023\)](#) "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2023 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF ENVIRONMENTAL MANAGEMENT, WAILUKU-KAHULUI COMMUNITY PLAN AREA, SANITATION, BOND FUND, CENTRAL MAUI LANDFILL PHASE III-B LATERAL EXPANSION; TOTAL CAPITAL IMPROVEMENTS PROJECT APPROPRIATIONS; TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENTS PROJECTS)"

The purpose of this bill is to amend the FY 2023 Budget by increasing the estimated revenues from the Bond Fund by \$3,500,000 and appropriating the funds to the Department of Environmental Management.

[Bill 57 \(2023\)](#) "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2023 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX C - CAPITAL IMPROVEMENT PROJECTS, DEPARTMENT OF ENVIRONMENTAL MANAGEMENT, WAILUKU-KAHULUI COMMUNITY PLAN AREA, CENTRAL MAUI LANDFILL PHASE III-B LATERAL EXPANSION"

The purpose of this bill is to amend Appendix C of the FY 2023 Budget by increasing the appropriation for the Central Maui Landfill Phase III-B Lateral Expansion by \$3,500,000.

[Bill 58 \(2023\)](#) "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 5394, BILL NO. 71, CD1, FD2 (2022), RELATING TO THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI ISSUANCE, SALE AND DELIVERY OF SAID BONDS (DEPARTMENT OF ENVIRONMENTAL MANAGEMENT)"

The purpose of this bill is to amend Ordinance No. 5294, Bill No. 71, CD1, FD2 (2022), as amended, to increase the authorization for the Central Maui Landfill Phase III-B Lateral Expansion project.

[Bill 59 \(2023\)](#) "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2023 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX A, PART I, GRANTS AND RESTRICTED USE REVENUES - SCHEDULE OF GRANTS AND RESTRICTED USE REVENUES BY DEPARTMENTS AND PROGRAMS, DEPARTMENT OF HOUSING AND HUMAN CONCERNS (DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT NOTICE OF FUNDING OPPORTUNITY FOR FY 2022 CONTINUUM OF CARE COMPETITION AND NONCOMPETITIVE AWARD OF YOUTH HOMELESS DEMONSTRATION PROGRAM RENEWAL AND REPLACEMENT GRANT)"

The purpose of this bill is to amend Appendix A, Part I, of the FY 2023 Budget by adding a new grant entitled "Department of Housing and Urban Development Notice of Funding Opportunity for FY 2022 Continuum of Care Competition and Noncompetitive Award of Youth Homeless Demonstration Program Renewal and Replacement Grant" for \$195,000.

[Bill 60 \(2023\)](#) "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2023 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF POLICE, COUNTYWIDE, GOVERNMENT FACILITIES GENERAL FUND, COUNTYWIDE POLICE FACILITIES; TOTAL CAPITAL IMPROVEMENTS PROJECT APPROPRIATIONS; TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)"

The purpose of this bill is to amend the FY 2023 Budget by increasing the estimated revenues from the Transient Accommodations Tax by \$800,000 and appropriating the funds to the Department of Police.

[Bill 61 \(2023\)](#) "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2023 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX C - CAPITAL IMPROVEMENT PROJECTS, DEPARTMENT OF POLICE, COUNTYWIDE, COUNTYWIDE POLICE FACILITIES"

The purpose of this bill is to amend Appendix C of the FY 2023 Budget by amending the project description and increasing the appropriation for the Countywide Police Facilities.

[Bill 62 \(2023\)](#) "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2023 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF FINANCE, TOTAL OPERATING APPROPRIATIONS; TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)"

The purpose of this bill is to amend the FY 2023 Budget by increasing the estimated revenues for Transient Accommodations Tax by \$5,000,000 and appropriating the funds to the Department of Finance.

N. UNFINISHED BUSINESS:

NONE.

NOTE: "BOARD PACKETS", AS DEFINED IN SECTION 92-7.5 OF THE HAWAII REVISED STATUTES, ARE AVAILABLE FOR INSPECTION AT THE OFFICE OF THE COUNTY CLERK, 200 SOUTH HIGH STREET, STE. 708, WAILUKU, HAWAII. "BOARD PACKETS" ARE ALSO AVAILABLE ELECTRONICALLY AS SOON AS PRACTICABLE UPON REQUEST.

ITEMS LISTED ON THE AGENDA MAY BE ACCESSED AT MAUICOUNTY.LEGISTAR.COM.

THIS MEETING IS BEING CONDUCTED IN ACCORDANCE WITH SECTION 92-3.7, HAWAII REVISED STATUTES. NOTHING SAID IN THE MEETING OR INCLUDED IN THE AGENDA IS INTENDED TO CREATE OBLIGATIONS IN EXCESS OF THOSE REQUIRED UNDER SECTION 92-3.7, HRS.

IF BLUEJEANS CONNECTIVITY AFFECTING QUORUM IS LOST, THE COUNCIL WILL BE IN RECESS. IT WILL NOT BE CONSIDERED A LOSS OF QUORUM UNLESS CONNECTIVITY CANNOT BE RESTORED WITHIN 30 MINUTES. IF THE BLUEJEANS CONNECTION IS PREMATURELY TERMINATED, FOR WHATEVER REASON, PLEASE LOG BACK INTO THE SAME LINK. IF CONNECTIVITY AFFECTING QUORUM CANNOT BE RESTORED WITHIN 30 MINUTES, THE MEETING WILL AUTOMATICALLY RECONVENE THE FOLLOWING TUESDAY AT 9:00 A.M., USING THE SAME VIRTUAL CONNECTIONS, UNLESS THE COUNCIL ANNOUNCES A DIFFERENT DATE AND TIME.

IF AKAKU PREMATURELY CEASES BROADCASTING THE MEETING, THE MEETING WILL CONTINUE VIA INTERACTIVE CONFERENCE TECHNOLOGY AND A RECORDING WILL BE SENT TO AKAKU TO BE INCLUDED WITH ARCHIVED MEETING VIDEOS.

ANYONE REQUESTING AN AUXILIARY AID OR SERVICE OR AN ACCOMMODATION DUE TO A DISABILITY SHOULD CONTACT THE OFFICE OF THE COUNTY CLERK AT LEAST THREE WORKING DAYS PRIOR TO THE MEETING DATE AT (808) 270-7748 OR COUNTY.CLERK@MAUICOUNTY.US.